

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA                    )  
  )  
v.    )  
  )  
MARTIN GOTTESFELD                            )

No.: 16-cr-10305-NMG

MOTION FOR REVOCATION OF DETENTION ORDER  
AND RELEASE FROM CUSTODY

The defendant Martin Gottesfeld (“Mr. Gottesfeld”) hereby moves for revocation of his detention order and release from custody. Mr. Gottesfeld filed a related motion for release from custody on April 20, 2018. Dkt. No. 147. As grounds for that motion, Mr. Gottesfeld cited the likelihood of success on his motion to dismiss.<sup>1</sup> Dkt. No. 146. The Court has not scheduled a hearing on that motion for release.

On May 4, 2018 the government filed its opposition to the defendant’s motion to dismiss. Dkt. No. 167.

That same day, Mr. Gottesfeld filed a Second Supplemental Motion to Suppress Evidence. Dkt. No. 166.

On May 11, 2018, Mr. Gottesfeld filed his reply to the government’s opposition to defendant’s motion to dismiss.<sup>2</sup> Dkt. No. 170.

These additional filings having been submitted, Mr. Gottesfeld files this new motion for release from custody. As a change in circumstances since his detention, Mr. Gottesfeld is likely to prevail on both his motion to dismiss and his motion to suppress.

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<sup>1</sup> With leave of Court, Mr. Gottesfeld has since filed two amended versions of the motion to dismiss. The present version, the second amended motion to dismiss, was filed on May 3, 2018. Dkt. No. 164.

<sup>2</sup> With leave of Court, on May 14, 2018, Mr. Gottesfeld filed an amended reply to the government’s opposition. Dkt. No. 176.

Further, in light of the matters raised in Mr. Gottesfeld's Second Supplemental Motion to Suppress Evidence, hereby incorporated by reference, Magistrate Judge Bowler failed to recuse herself as required from presiding over Mr. Gottesfeld's case, including but not limited to his Detention Hearing on April 27, 2016. After an excessive ninety-two (92) day delay, that detention hearing resulted in an Order of Detention on July 27, 2016. Dkt. No. 25. Since Magistrate Judge Bowler failed to recuse herself as required, Mr. Gottesfeld is entitled to revocation of his detention order and a new hearing on release.

Pursuant to 18 U.S. § 3145(b), a motion for revocation of a detention order "shall be determined promptly." Mr. Gottesfeld requests a hearing on these matters at the Court's earliest possible convenience.

Respectfully submitted,  
MARTIN GOTTESFELD  
By his attorney:

/s/ David J. Grimaldi

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DATE: May 14, 2018

#### CERTIFICATE OF SERVICE

I, David J. Grimaldi, hereby certify that true copies of this motion were served on all registered participants in this matter via ECF this 14th day of May 2018.

/s/ David J. Grimaldi

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David J. Grimaldi